Pac. 887. The principal case, it is true, is confessedly based on no direct authority in England. But, in general, assumption of the dual capacity of judge and witness seems absolutely improper. But see WIGMORE, EVIDENCE, § 1909.

WITNESSES — PRIVILEGED COMMUNICATIONS — PHYSICIAN: WAIVER BY ALLOWING ONE OF SEVERAL PHYSICIANS TO TESTIFY. — The prosecutrix permitted one of three physicians who had treated her for the same trouble at about the same time to testify concerning the nature of her ailment. The defense then offered, over the objection of the state, the testimony of the other two physicians on the same point. *Held*, that the privilege had been waived. *State* v. *Long*, 165 S. W. 748 (Mo.).

The court takes the position that by permitting one of her physicians to testify as to the nature of her ailment, the patient abandoned her privilege as to all physicians who treated her for the same trouble. It is true that by allowing his physician to testify, the patient waives his privilege as to that physician at this and probably at subsequent trials. *Marquardt* v. *Brooklyn Heights R. Co.*, 126 App. Div. 272, 110 N. Y. Supp. 657; *McKinney* v. *Grand Street P. P. & F. R. Co.*, 104 N. Y. 352, 10 N. E. 544. And calling one of several consulting physicians will work a waiver of the privilege as to all present at the consultation. *Morris* v. *New York, O. & W. Ry Co.*, 148 N. Y. 88, 42 N. E. 410. None of these cases, however, justifies the result reached in the principal case. The mere preservation of secrecy is not the sole object of the privilege, else the courts would not generally agree that the patient may himself make public the nature of his ailment without thereby waiving the privilege. *McConnell* v. *City of Osage*, 80 Ia. 293, 45 N. W. 550. *Cf. Epstein* v. *Pennsylvania Ry. Co.*, 250 Mo. 1, 156 S. W. 699. Its true purpose is to protect confidential communications between physician and patient. The effective protection of such confidences requires that each physician, or set of physicians, be considered a distinct unit, and that a waiver of the privilege as to one should not prevent its assertion to prevent the disclosure of confidential communications to another. The weight of authority is to this effect, and opposed to the principal case. *Pennsylvania Mutual Life Ins. Co.* v. *Wiles*, 100 Ind. 92; *Barker* v. *Cunard S. S. Co.*, 91 Hun 495, 36 N. Y. Supp. 256. The privilege in question has been severely criticised, and a logical application of it may sometimes work injustice. See WIGMORE, EVIDENCE, § 2380; 10 MEDICO-LEGAL JOURNAL, 33. But the remedy in such case lies with the legislature, not in an arbitrary destruction of the privilege by the courts. See *Renihan* v. *Demien*, 103 N. Y. 573, 580.

BOOK REVIEWS.

HANDBOOK OF THE LAW OF MUNICIPAL CORPORATIONS. By Roger W. Cooley, LL.M. St. Paul: West Publishing Co. 1914. pp. xii, 711.

In this book Professor Cooley has gathered together and placed in readable form the ordinary things about municipal corporations. It is a good book, with the merits and some defects found in the books of its class: clear statement of elementary principles, full citation of cases, not much discussion and little attempt to develop fundamental principles or to criticise decisions. Nice discriminations are not to be expected, and contradictory statements are sometimes found; but frequent references to other treatises, and especially to Dillon's standard work, show that the author usually stands on safe ground.